

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ABANTE ROOTER AND PLUMBING,  
INC., GEORGE ROSS MANESIOTIS,  
MARK HANKINS, and PHILIP J.  
CHARVAT, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

ALARM.COM INCORPORATED, and  
ALARM.COM HOLDINGS, INC.,

Defendants.

NO. 4:15-cv-06314-YGR

**AFFIDAVIT OF JOE MORETTI**

1. My name is Joe Moretti, I am over 18 years old, a resident of Rhode Island, and could testify competently to the undersigned statements.
2. I am the owner of Nationwide Alarms, LLC ("Nationwide"). Nationwide is an Authorized Dealer for Alliance Security, Inc. ("Alliance"), which is also based in Rhode Island.
3. To generate business for Alliance, Nationwide hired Justin Ramsey, an individual who used pre-recorded messages to find individual who were potentially interested in services for the companies Alliance was an authorized dealer for.
4. Alliance was aware that Nationwide was using Mr. Ramsey and the pre-recorded messages.
5. Nationwide received a subpoena in the above-captioned litigation.
6. On May 23, 2016, Nationwide produced responsive documents to that subpoena. I am personally aware of the business practices and record-keeping of Nationwide. The records that I produced in response to the subpoena are business records of Nationwide in that they are

records of regularly conducted business activities recorded at or near the time of those activities, and they were created before the initiation of the litigation. The Nationwide business records are described in detail below:

- a. Nationwide produced the contract it had with Alliance;
  - b. Nationwide produced two e-mails it found that mentioned Alarm.com;
  - c. Nationwide produced the individuals that received pre-recorded messages from Mr. Ramsey, and then were contacted by Nationwide.
7. Nationwide used Ytel to talk to the individuals who received pre-recorded messages in order to promote Alliance services.
8. Nationwide did not use Ytel for any other service.
9. Nationwide did not purchase its own data for Mr. Ramsey to call, so Nationwide does not have any documents evidencing prior consent to receive any of the telemarketing calls it placed for Alliance.

Sworn as true to the best of my knowledge and belief, subject to the penalties of perjury.

  
\_\_\_\_\_  
JOE MORETTI

5/31/16  
\_\_\_\_\_  
DATE

**I. LOCAL RULE 5-1(I)(3) STATEMENT**

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the declarant, and that I will maintain records to support this concurrence by the declarant as required under the local rules.

DATED this 7th day of March, 2017.

TERRELL MARSHALL LAW GROUP PLLC

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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on March 7, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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1 DATED this 7th day of March, 2017.

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